

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION**

MAGNUM MINERALS, LLC, MAGNUM	§	
BLUE RIBBON FEEDS, INC., GEARN	§	
OFFSHORE, INC., AND TIM A. GEARN,	§	
Individually and on Behalf of Others Similarly	§	
Situated,	§	
	§	
Plaintiffs,	§	
v.	§	
	§	NO. 02:13-CV-00103
HOMELAND INSURANCE COMPANY OF	§	
NEW YORK, MARK COLLIER,	§	
CONSUELO AYALA, Individually and as the	§	
Representative of the ESTATE OF PEDRO	§	
MEJIA BELTRAN and as Next Friend and	§	
Natural Mother of Minors, EMA, JYMA,	§	
AND CBDM, ELGIN B. ALLEN, JR., AIM	§	
ASSOCIATION INSURANCE	§	
MANAGEMENT, INC., TERRY M.	§	
FERRELL, ONEBEACON INSURANCE	§	
GROUP, ONEBEACON ACCIDENT	§	
GROUP, ONEBEACON AMERICAN	§	
INSURANCE COMPANY, ONEBEACON	§	
INSURANCE COMPANY, AND TRADERS	§	
& GENERAL INSURANCE COMPANY,	§	
	§	
Defendants.	§	

**ANSWER OF JASON GEARN TO HOMELAND INSURANCE COMPANY
OF NEW YORK'S THIRD-PARTY COMPLAINT**

TO THE HONORABLE MARY LOU ROBINSON, UNITED STATES DISTRICT JUDGE:

Jason Gearn files his Answer to Homeland Insurance Company of New York's ("Homeland")

Third-Party Complaint and shows the following:

A. ADMISSIONS AND DENIALS

1. Gearn can neither admit nor deny the factual allegations in Paragraph 1.
2. Gearn admits the factual allegations of Paragraph 2.

3. Gearn denies that the Court has jurisdiction to decide this matter and therefore denies the allegations in Paragraph 3.

4. Gearn admits that Deaf Smith County, Texas is the proper venue, but denies the remaining allegations of Paragraph 4 and denies that the Court has jurisdiction to decide this matter.

5. Gearn admits the allegations in sentences 1 through 3 of Paragraph 5. Gearn can neither admit nor deny the allegations in sentence 4, Paragraph 5.

6. Gearn admits that before the accident, Homeland issued insurance policies to Gearn Offshore and Blue Ribbon, but denies the remaining allegations in sentence 1, Paragraph 6. Gearn denies the allegations as stated in sentences 2 and 3, Paragraph 6. Gearn denies the remaining allegations of sentences 4 through 7, Paragraph 6.

7. Gearn admits the allegations in Paragraph 7.

8. Paragraph 8 contains a statement to which no answer is required by Gearn.

9. Gearn denies the allegations in Paragraph 9 and therefore denies that Homeland is entitled to contribution and indemnity from him.

10. Gearn denies that Homeland is entitled to the relief requested in its "Prayer for Relief."

B. AFFIRMATIVE DEFENSES

11. Homeland's Third-Party Complaint fails to state a claim upon which relief can be granted.

C. PRAYER

Gearn asks the Court to enter judgment that Homeland take nothing by its Third-Party Complaint against him, that the Court deny all relief requested by Homeland, and that the Court dismiss Homeland's Third-Party Complaint against him with prejudice. Gearn also asks that he

recover from Homeland his reasonable attorney's fees and costs of suit, and that the Court award him all other relief to which he is entitled.

Respectfully submitted,

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By: /s/ Deborah D. Reeves
Deborah D. Reeves

ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I hereby certify that on July 5, 2013, the foregoing document was filed with the clerk of the court for the Northern District of Texas using the electronic case filing system of the court. The electronic case filing system sent a "Notice of Electronic Filing" to the following attorney of record who has consented in writing to accept this Notice as service of this document by electronic means:

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